



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
LAKE OR STREAMBED ALTERATION PROGRAM



Information Regarding Emergency Work

Fish and Game Code section 1610 exempts certain types of emergency work from the notification requirement in section 1602. Specifically, notification is not required before beginning any of the following emergency work:

- 1) immediate emergency work necessary to protect life or property;
- 2) immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in an area in which the Governor has proclaimed a state of emergency; and/or
- 3) emergency projects undertaken, carried out, or approved by a state or local governmental agency to maintain, repair, or restore an existing highway, as defined in Vehicle Code section 360, within the existing right-of-way of the highway, that has been damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage.

Although notification is not required **before** beginning the emergency work, the Department must be notified in writing within 14 days **after** the work begins ("emergency notification"). The notification requirement can be met by completing and submitting the attached Emergency Notification form to the Department regional office that serves the county where the emergency work occurs.

If the Department does not receive the emergency notification within 14 days after the work begins, or the work did not constitute emergency work, the entity responsible for the work may be subject to criminal or civil prosecution. Hence, it is important that the work meets the definition of "emergency."

"Emergency" means "a **sudden, unexpected** occurrence, involving a clear and imminent danger, demanding **immediate** action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services. 'Emergency' includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage." (Public Resources Code section 21060.3 (emphasis added)). See also Fish and Game Code section 1601, subdivision (c).

Although emergency work is exempt from the notification requirement in Fish and Game Code section 1602, the entity responsible for completing the emergency work must comply with other applicable local, state, and federal laws, including other provisions in the Fish and Game Code, such as section 5650 (prohibiting the discharge or release of deleterious substances or materials) and section 5901 (prohibiting the construction or maintenance of any device or contrivance that prevents or impedes fish passage).

The Department recommends that emergency work be conducted in accordance with the guidelines below to minimize impacts to fish and wildlife resources.

- 1) The person(s) completing the emergency work should prevent raw cement, concrete, or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substance which can be deleterious to aquatic life from contaminating soil and/or entering a river, stream, lake or other waters of the state. (See Fish and Game Code section 5650.)
- 2) The person(s) completing the emergency work should minimize the disturbance or removal of vegetation in completing the work.

FOR DEPARTMENT USE ONLY

Date Received

Notification Number



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

**LAKE OR STREAMBED ALTERATION PROGRAM
NOTIFICATION OF EMERGENCY WORK**



Complete EACH field and attach additional pages if necessary.

1. PERSON, BUSINESS, OR AGENCY RESPONSIBLE FOR EMERGENCY WORK

If the emergency work is being conducted by a business, agency, or utility, please include the name of your designated representative.

Name	Kris McFadden Interim , Director		
Business/Agency	City of San Diego, Storm Water Department		
Street Address	9370 Chesapeake Drive, Suite 100, MS 1900		
City, State, Zip	San Diego, CA 92123		
Telephone	(858) 541-4320	Fax	(858) 541-4360
Email			

2. LOCATION OF EMERGENCY WORK

Address or description of project location. (Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway.)

The proposed work would take place within the cement storm water channels located in an industrial complex area in northern San Diego. The subject channels are between Flintkote Street to the west and Roselle Street to the east ({Map 9} Figures 1, 2, and 3), the cement-only portion of Sorrento creek at the western end of Map 11 between Roselle Street and I-5 (Map 11), between Sorrento Valley Boulevard to the north and extending approximately 1,420 feet southward (Map 12), and between extending southward approximately 2,200 feet southward (Map 13; Figures 1, 2, 3).

CONTINUED ON ATTACHMENT 1

☒ Continued on additional page(s)

River, stream, or lake affected by project	Constructed drainage channels and Sorrento Creek			
What water body is the river, stream, or lake tributary to?	Los Penasquitos Lagoon / Pacific Ocean			
Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	
County	San Diego			
USGS 7.5 Minute Quad Map Name	Township	Range	Section	Section
Del Mar	15S	3W	-	
<input type="checkbox"/> Continued on additional page(s)				
Meridian (check one)	<input type="checkbox"/> Humboldt <input type="checkbox"/> Mt. Diablo <input checked="" type="checkbox"/> San Bernardino			

NOTIFICATION OF EMERGENCY WORK

2. LOCATION OF EMERGENCY WORK continued

Assessor's Parcel Number(s)			
<input type="checkbox"/> Continued on additional page(s)			
Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes.)			
Latitude/Longitude	Latitude: See Attachment 1		Longitude: See Attachment 1
	<input checked="" type="checkbox"/> Degrees/Minutes/Seconds	<input type="checkbox"/> Decimal Degrees	<input type="checkbox"/> Decimal Minutes
UTM	Easting:	Northing:	<input type="checkbox"/> Zone 10 <input type="checkbox"/> Zone 11
Datum used for Latitude/Longitude or UTM		<input type="checkbox"/> NAD 27	<input checked="" type="checkbox"/> NAD 83 or WGS 84

3. NATURE OF EMERGENCY WORK

Date emergency began or was first discovered	12/22/10
Date emergency work began	12/25/10
Date emergency work was or will be completed	04/30/11
Briefly describe the type of emergency (e.g., flooding or earth movement).	
As of 3:45 PM, Wednesday December 22, 2010, the National Atmospheric and Oceanic Administration (NOAA) reported approximately 4.16 inches of rainfall at Lindberg Field in the last 72 hours. The amount and intensity of rainfall received during this storm caused sudden and unexpected major flooding though-out the City.	
Identify the type of property affected by the emergency by marking the appropriate boxes below.	
<input type="checkbox"/> Bridge, culvert, or other water crossing <input type="checkbox"/> Dwelling or other building <input checked="" type="checkbox"/> Levee or other bank protection <input type="checkbox"/> Road <input type="checkbox"/> Farmland <input type="checkbox"/> Utility <input checked="" type="checkbox"/> Other (describe): <u>Flooding</u>	
Describe the emergency work.	
<p>On Christmas Eve, Lt. Gov. Abel Maldonado declared San Diego County a disaster area as a result of the storms.</p> <p>Emergency maintenance of these facilities to increase the carrying capacity within the channels and reduce the flooding risks associated with the imminent threat to life and property.</p> <p>Removal of obstruction including trash, debris, sediment and vegetation as needed to mitigate the loss of and prevent further damage to private property.</p>	
<input type="checkbox"/> Continued on additional page(s)	

NOTIFICATION OF EMERGENCY WORK

3. NATURE OF EMERGENCY WORK continued

Briefly describe the dimensions (e.g., length and width) of the area or areas affected by the emergency and the work area.

Map 9 - Sediment and vegetation removal in 740 ft. long x 8 ft. wide

Map 11 - Sediment and vegetation removal in 1,400 ft. long x 30 ft. wide and 1,940 linear ft. x variable widths up to 63 ft.

Map 12 - Sediment and vegetation removal in 1,360 linear ft. x variable widths up to 63 ft.

Map 13 - Sediment and vegetation removal in 12,200 linear ft. x 70.5 ft.

CONTINUED ON ATTACHMENT 1

☐ Continued on additional page(s)

Describe any work you intend to complete after the emergency to restore the affected area.

The emergency maintenance work is confined to the existing flood control channels and no restoration will be done within those channels.

☐ Continued on additional page(s)

4. SIGNATURE

I hereby certify that to the best of my knowledge the information in this emergency notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the person, business, or agency responsible for the emergency work. *I understand that if the Department does not receive this emergency notification within 14 days after the emergency work begins, or the work did not constitute emergency work, I and/or the person, business, or agency responsible for the emergency work may be subject to criminal or civil prosecution.*


Signature of Applicant or Applicant's Authorized Representative

01/05/11
Date

Dr. Stephen Neudecker, Certified Senior Ecologist
Print Name